



**Charter Commission Minutes
Regular Meeting
Video Conference Via Google Meet / YouTube
1700 North Grand Avenue
Thursday, March 4, 2021 at 1:30 p.m.**

Call to Order

Commission Member Francisco Apodaca called the meeting to order at 1:35 p.m.

Roll Call

Present

Matt Martinez
Greg Salazar
Sandra Madrid
Christine Ludi
Lee Einer
Francisco Apodaca

Absent

Stephen Salas

Also Present

Darlene Arguello, Paralegal - City of Las Vegas

Pledge of Allegiance

Approval of Agenda

Commissioner Einer made a motion to approve the agenda.

Commissioner Salazar seconded the motion.

Motion passed unanimously.

Approval of Minutes

Commissioner Francisco Apodaca asked that a motion be made to approve the Agenda with the exclusion of the Approval of Minutes.

No prior minutes to approve. First regular meeting.

Public Input

No public input was submitted.

Discussion Items

a. Election of a Chairperson

Commissioner Apodaca opened it up for nominations.

Commissioner Martinez nominated Commissioner Francisco Apodaca as Chairperson.

Commissioner Einer seconded the nomination.

Commissioner Apodaca asked if there were any other nominations.

Commissioner Salazar made a motion to cease nominations.

Seconded by Commissioner Ludi.

No oppositions.

Motion passed unanimously.

A motion was made by Commissioner Martinez for Commissioner Francisco Apodaca as Chairperson.

Seconded by Commissioner Einer.

Motion passed unanimously.

b. Election of a Vice Chairperson

Commissioner Ludi made a motion to nominate Commissioner Greg Salazar as Vice Chairperson.

Second by Commissioner Einer.

No oppositions.

Motion passed unanimously.

c. Election of other officer as needed

Commission Chair Apodaca opened discussion on having a Secretary.

A motion was made by Commissioner Ludi nominating Darlene Arguello as Secretary.

Seconded by Commissioner Madrid.

Commission Chair Apodaca called for a vote of confidence for Ms. Arguello acting as Secretary for the Commission.

All in favor with no oppositions.

Motion passed unanimously.

Commission Chair Apodaca asked if there were other officers needed at this time.

There were no recommendations by the Commission. Discussion was dispensed of.

No further officers needed.

d. Analysis of Charter Language

Commission Chair Apodaca opened discussion on the appointment of Commission Members and the procedures and asked Ms. Arguello if she was aware if it was followed as per the Charter.

Ms. Arguello advised that she was unsure of how the appointments were made but was sure that the procedures were followed according to the Charter.

Discussion:

Commissioner Einer advised that he believed that everything was followed by the Charter and had no reason to believe otherwise.

Commission Chair Apodaca asked if everyone was comfortable and confident there was any other discussion in regards to the questions previously raised as to the procedures followed by the Charter.

Commissioner Einer stated and clarified that he raised the issue of the conflict between the Bylaws and Charter language and was not questioning the process of appointments.

Commissioner Ludi stated that they have been amended and sent by Ms. Arguello and now match the Charter.

Commissioner Einer stated very good and went on to suggest that when reviewing the Charter that they start with Section 1.05 because that describes the process that the Commission is involved in and their duties and responsibilities.

Commission Chair Apodaca stated that would be fine because their mission and purpose is to abide by the Charter and make amendments and recommendations to Council for approval and then to the voters at the next general election.

Commissioner Einer stated they can take an alternative process which is by petition that actually bypasses the Governing Body.

Commission Chair stated that would not be in the purview of this body since they were actually appointed to abide by the Charter and do the review process, so they are fulfilling that and that would be "X" to the petition process and move forward.

Commission Chair Apodaca opened discussion as to how they would begin the review process; section by section and subsections.

Commissioner Ludi raised concern on the Terms of Service section on the Bylaws where it states that the Commission shall serve for four (4) years, staggered. Commissioner Ludi stated that they were to serve as a temporary commission and it should not be a lengthy process.

Discussion was held as to the mission and duties of the Commission and requested that the Charter be followed as per Section 1.05 and the Governing Body set a duration period for the Commission. The Commission is also requesting that the Governing Body set this duration period and place it on the Agenda for a Council meeting.

Lengthy discussion and questions took place regarding the review process and approval of the Charter.

Commissioner Martinez elaborated on the process that took place with the previous Charter Commission in 2009/2010 – last amended.

Lengthy discussion took place on the previous review process that was taken and the current process that should be taken.

Commissioner Ludi and Commissioner Salazar proposed going through the Charter section by section and if no amendments to a section then moving onto the next section.

Commissioner Salazar expressed concerned about sections overlapping.

Commissioner Einer raised concerns about the section by section review process because they could be flying blind and miss things in the Charter that need to be. For example, there is nothing in the Charter on how the Charter itself is enforced. For the last 11 -12 years since the Charter was enacted, the previous Governing Body and Administration has failed to fully comply with the Charter. Further discussion was held on getting a section in for enforcement of the Charter.

Commissioner Martinez stated that this is where legal advice would be needed and questioned the process of enforcement. Further discussion was held and the issue of conflict of interest was brought up by Commission Chair Apodaca in regards to the City of Las Vegas' Attorney overseeing and advising on the proposed changes by the Commission. Discussion was held about asking to hire outside Counsel for advice.

Commissioner Martinez asked Ms. Arguello if she had access to the information on the previous Charter Commission and the Attorney at the time.

Ms. Arguello advised that she was sure there was record of it within the City Clerk's Department and would obtain that information.

Commission Chair Apodaca asked Ms. Arguello if she could ask Administration if there is budget to hire an outside Attorney. Ms Arguello stated that Mr. Aaron was just present at this meeting and heard the questions and concerns of the Commission regarding this matter.

Commission Chair Apodaca stated that they would review the Charter article by article but did not want to attach an article to an agenda. Commission Chair Apodaca explained the roadblocks they could run into with this process.

Commissioner Ludi stated that they could put it on the agenda every time they meet and say "Review of Charter" and that leaves it open to discuss as many articles as they want.

Further discussion was held as to the process the Commission would be taking to review the Charter. Commission Chair Apodaca stated that they would be reviewing in an orderly fashion and would like to proceed with the process as quickly and efficiently as possible and also stated they could hold Special Meetings as well to expedite the process.

Commission Chair Apodaca stated the process would be meeting by meeting with discussion of possible revisions. Commission Chair Apodaca also stated that would be the general heading on the agenda.

Commissioner Madrid stated that the Charter was very legally written and a lot of stuff could not be taken out. Brief discussion was held regarding the Charter language and the process the Commission would take on changes.

Commissioner Madrid raised the question of how do they know what needs to be in the Charter that is not already in there. Commission Chair Apodaca directed the question to Commissioner Einer.

Commissioner Einer stated that it wouldn't be found in the Charter obviously and that happens with retrospection in the last ten years as a City Institution and the things that have gone sideways. He elaborated more on his thoughts and the process.

Commissioner Ludi stated that this is where public input would come in and talked about how this would help them with the review.

Commissioner Martinez talked about the previous Charter Commission and elaborated on their process review. He stated that the Attorney at the time brought a framework of the Charter for the Commission to work with. He also stated that it was a year long process.

Commission Chair Apodaca asked if that was the last review of the Charter. Some discussion was held and determined that the last review and adoption was in 2010.

Lengthy discussion was held about the process review and the route that needs to be taken. Questions were asked of Commissioner Martinez as to the process when he was previously on the Charter Review. Commissioner Martinez elaborated on the previous process taken and stated it took about a year to review, revise and get the Charter adopted.

Lengthy discussion was held as to the process of enforcement of the Charter that needs to be taken.

Other Business

1. Swearing in of Commission

Commissioner Salazar asked if the Commission could be sworn in being that they may have to swear in people from the public.

Commission Chair Apodaca stated that you can't swear anybody in if you haven't been sworn in yourself.

Commissioner Einer stated that this is a discussion in Council that has happened in the past. He stated that only certain people under State Statute could do that. A brief discussion was held on who could do the swearing in.

Commission Chair Apodaca asked Ms. Arguello if she could find out that process and proceed with that sooner rather than later. Ms. Arguello advised she would check with City Clerk on the process.

Commissioner Martinez elaborated on processes done previously when testimony was taken from the public.

2. Bylaws

Commission Chair Apodaca asked the Commission if they had any issues or questions on the Bylaws for discussion only and no action to be taken on this meeting.

Commissioner Martinez asked if they were seven members or six. Commission Chair Apodaca asked Ms. Arguello if she had heard anything from Stephen on serving as the 7th member. Ms. Arguello stated that she had spoken to Mr. Salas previously and he stated he was unsure if he was going to be able to serve because he was having some sort of conflict. She also stated she would get in touch with Mr. Salas and check status with him. The Commission would like the 7th member appointed as soon as possible if Mr. Salas can't serve so they can proceed as a full Commission.

Commissioner Salazar brought up Article V. Term of Service on the Bylaws and if they wanted to have that language still in there. Commission Chair Apodaca stated that would keep them on for four years. Brief discussion was held as to the Commission serving and being bound to the four years or if the service term should be only through the revision of the Charter. Ms. Arguello stated that they are serving more in the capacity of an Ad Hoc Committee to complete a certain mission and be done.

Commissioner Einer stated that the Governing Body has a duty to establish duration of the Commission in an open meeting as it states in the Charter. Brief discussion was held regarding the procedures to be taken to set the duration of the term of service.

Commissioner Martinez recommended that they submit to City Manager two action items to be placed on the agenda for the City Council Meeting:

1. Term of Service for Charter Commission – Setting the Duration
2. Afford the Commission access to an Attorney

Discussion was held regarding the two items and will be placed on the Charter Commission Agenda for their next meeting as action items.

Adjournment

Commission Member Martinez made a motion to adjourn the meeting.

Commission Member Einer seconded the motion.

Motion to adjourn passed.

Meeting adjourned at 2:57 p.m.



Commission Chair Apodaca

4/7/2021

Date

